IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Bail Appl..No. 7289 of 2006(M)

CC.692/2006 of J.M.F.C., KAYAMKULAM
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PETITIONER/ACCUSED:

M.MURUGAN, AGED 49 YEARS,
S/O.MUTHU NADAR, 16 SUNDARA VINAYAGAR KOIL STREET,
MANALIVILA, THISAYANI VILAI, RADHAPURAM TALUK,
TIRUNELVELI DISTRICT, TAMIL NADU.

BY ADV. SRI.SAKIR.K.H.

RESPONDENTS: COMPLAINANT:

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE, KAYAMKULAM POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.7289 of 2006

Dated: December 4, 2006

O R D E R

Petitioner who is the accused in C.C. 692/06 on the file of the Judicial First Class Magistrate, Kayamkulam for an offence punishable under Sec. 138 of the N.I.Act, 1881 involving three cheques totalling to Rs. 1,50,000/- seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the said court non-bailable warrant of arrest are pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed.

With the above observation this application is dismissed.

V.RAMKUMAR,

JUDGE.

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